



Docket Number: 17136-003001

REISSUE APPLICATION DECLARATION BY THE ASSIGNEE		Docket Number (Optional) 17136-003001
<p>I hereby declare that: My residence, mailing address and citizenship of the inventors are stated below. I am authorized to act on behalf of the following assignee: <u>THE AUSTRALIAN NATIONAL UNIVERSITY</u> and the title of my position with said assignee is: <u>Deputy Vice-Chancellor, Research</u> The entire title to the patent identified below is vested in said assignee.</p>		
Inventor: Peter William Gage	Citizenship: AUSTRALIA	
Residence/Mailing Address: RMB 22, Powell Drive, via Queanbeyan, New South Wales, 2620, AUSTRALIA		
Inventor: Graeme Barry Cox	Citizenship: AUSTRALIA	
Residence/Mailing Address: 66 Bundle Hill Road, Bawley Point, New South Wales, 2539, AUSTRALIA		
<input checked="" type="checkbox"/> Additional Inventors are named on separately numbered sheets attached hereto.		
Patent Number 6,355,413	Date of Patent Issued 03/12/2002	
Title of Invention Method for Determining Ion Channel Activity of a Substance		
<p>I believe said inventor(s) to be original and first inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled: <u>Method for Determining Ion Channel Activity of a Substance</u></p>		
<p>The specification of which <input type="checkbox"/> is attached hereto. <input checked="" type="checkbox"/> was filed on <u>March 11, 2004</u> as reissue application number <u>10/800,361</u> and was amended on <u>March 11, 2004</u> (if applicable)</p>		
<p>I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred above.</p>		
<p>I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.</p>		
<input checked="" type="checkbox"/> I hereby claim foreign priority benefits under 35 U.S.C. 119 (a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.		
<p>I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)</p>		
<input type="checkbox"/> by reason of a defective specification or drawing.		
<input checked="" type="checkbox"/> by reason of the patentee claiming more or less than he had the right to claim in the patent.		
<input type="checkbox"/> by reason of others errors.		

REISSUE APPLICATION DECLARATION BY THE ASSIGNEE

Docket Number: 17136-003001

At least one error upon which this reissue is based is described as follows:

Applicants herein reference claim 1, of the original patent as having at least one error. The original language of claim 1 contains error in that it claims less than the patentee had the right to claim in the patent. Specifically, the claim language contains error in the requirement of separate steps of "(i) expressing a peptide, polypeptide or protein in the plasma membrane of a host cell, ..." and "(ii) contacting the host cell with the test substance; ...". The recitation of separate steps (i) and (ii) renders the patent wholly or partly inoperative, since the method of the invention may be performed by contacting a test substance with a host cell which expresses a heterologous peptide, polypeptide or protein having ion channel activity when expressed in the plasma membrane of the host cell.

All errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on the part of the applicant.

I hereby appoint:

☒ Practitioners at Customer Number:

26181

OR

☐ Practitioner(s) named below:

Name(s)

Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Correspondence Address: Direct all communications about this application to:

☒ Customer Number:

26181

OR

☐ Firm or Individual Name

Mary Ann Dillahunty

Address

Address

City

State

Zip

Country

Telephone

(650) 839-5070

Fax

(650) 839-5071

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of person signing (given name, family name)

Lawrence Edward Cram

Signature

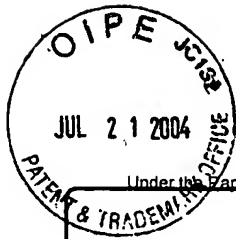
PROFESSOR LAWRENCE CRAM
DEPUTY VICE CHANCELLOR (RESEARCH)
AUSTRALIAN NATIONAL UNIVERSITY
CANBERRA, ACT 0200 AUSTRALIA
July 2004

Address of Assignee

Canberra, Australia Capital Territory, 0200, AUSTRALIA

Additional Inventors

Inventor: Gary Dinneen Ewart	Citizenship: AUSTRALIA
Residence/Mailing Address: 189 Phillip Avenue, Hackett, Australian Capitol Territory, 2602, AUSTRALIA	



PTO/SB/02B (08-03)

Approved for use through 08/31/2003. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

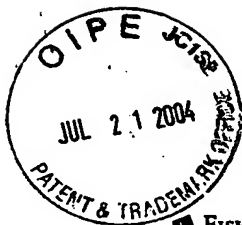
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION – Supplemental Priority Data Sheet

Foreign applications:					
Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
PO2581	Australia	09/27/1996	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



FISH & RICHARDSON P.C.

SUBSTITUTE PTO/SB/53

**REISSUE APPLICATION: CONSENT OF ASSIGNEE;
STATEMENT OF NON-ASSIGNMENT**Docket Number (Optional)
17136-003001

This is part of the application for a reissue patent based on the original patent identified below.

Name of Patentee(s)
Gage et al.Patent Number
6,355,413Date Patent Issued
March 12, 2002Title of Invention
Method for Determining Ion Channel Activity of a Substance1. ☒ Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)2. ☐ Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.

One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".

The written consent of all assignees and inventors owning an individual interest in the original patent is included in this application for reissue.

The assignee(s) owning an undivided interest in said original patent is THE AUSTRALIAN NATIONAL UNIVERSITY, and the assignee consents to the accompanying application for reissue.

Name of assignee: THE AUSTRALIAN NATIONAL UNIVERSITY

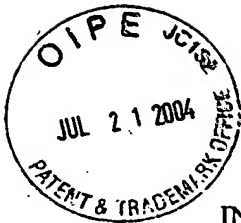
Signature

Date

July 21, 2004

Typed or printed name and title of person signing for assignee (if assigned)

Lawrence Edward Cram
Deputy Vice-Chancellor, ResearchPROFESSOR LAWRENCE CRAM
DEPUTY VICE-CHANCELLOR (RESEARCH)
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Attorney's Docket No.: 17136-003001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gage et al.
Patent No. : 6,355,413
Issue Date : March 12, 2002
Serial No. : 09/269,278
Filed : June 30, 1999
Title : METHOD FOR DETERMINING ION CHANNEL ACTIVITY OF A
SUBSTANCE

Art Unit : 1648
Examiner : Unknown

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE UNDER 37 CFR §3.73(b)

Under 37 CFR §3.73(b), The Australian National University, a university, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of:

An assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 010058, Frame 0704 on June 30, 1999.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned, whose title is supplied below, is empowered to act on behalf of the assignee.

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV 321 388 805 US

July 21, 2004

Date of Deposit


Applicant : Gage et al.
Patent No. : 6,355,413
Issued : March 12, 2002
Serial No. : 10/800,361
Filed : March 11, 2004
Page : 2 of 2

Attorney's Docket No.: 17136-003001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: 7 July 2004



Printed Name: Lawrence Edward GAGE CRAM
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